

MINUTES
OF SPECIAL TOWN MEETING
TOWN OF ELLINGTON
May 1, 2006

A special town meeting of the electors and citizens qualified to vote in town meetings of the Town of Ellington, Connecticut, was held at the Ellington Town Hall, 55 Main Street, Ellington, Connecticut, on Monday, May 1, 2006, at 7:15 p.m. prevailing time for the following purposes:

To Consider the adoption of new/revised Town Ordinances.

First Selectman Michael Stupinski called the meeting to order at 7:15 pm, and after reading the warning of said meeting he then asked for nominations for a Moderator

Nancy Way nominated Robert Pagani as moderator, seconded by Ann Harford.
Motion so carried

The Moderator then read the warning for the meeting, which was published in the Journal Inquirer on April 25, 2006 and is recorded in these records preceding these minutes.

To consider the adoption of new/revised Town Ordinances as follows:

- (a) *An Ordinance Prescribing Certain Land Use Fees (New)*
- (b) *An Ordinance Concerning Certain Fees Under the State Building Code (Revised)*

Item A: Nancy Way made the motion to approve **Item A** as warned, seconded by Dennis Frawley.
Motion so carried.

Item B: Nancy Way made the motion to approve **Item B** as warned, seconded by Dennis Frawley.

- A. Leo Miller stated for the record his objection of churches and non-profit groups having fees waived.

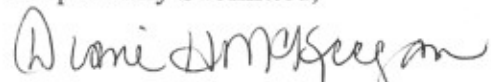
Motion so carried with one vote of abstention.

Dennis Frawley made the motion to adjourn at 7:20 pm, seconded by A. Leo Miller.

Vote by acclamation was unanimous, motion so carried.

Full text of Ordinance attached.

Respectfully Submitted,



Diane H. McKeegan, Asst. Town Clerk

BE IT ENACTED BY THE TOWN OF ELLINGTON:**Section 1: APPLICATION FEES**

WHEREAS, it is necessary for the Town of Ellington to incur certain expenses in order to administer the Zoning, Subdivision and Inland Wetlands Regulations of the Town which includes the expense of required legal advertisements, administrative review of applications, engineering and legal expenses to assure the Town that construction is in accordance with the regulations and approved plans; and

WHEREAS, it is appropriate to assess the expense incurred by the Town in processing and administering land use applications and construction against those who precipitate and benefit by that work;

NOW THEREFORE pursuant to Connecticut General Statutes Section 8-1c the Town of Ellington hereby adopts the following Schedule of Fees for various land use activities:

PLANNING AND ZONING FEES	
Bond Reduction Processing Fee	\$200.00
Earth Removal Renewal Fee (Requires Additional Special Permit Fee)	\$300.00
Subdivision and Re-subdivision Processing Fee (Plus below)	\$500.00 or \$150 / lot, whichever is greater
<i>New Road Fee</i>	\$200.00/100 lin.ft
<i>Existing Town / State Road Fee</i>	\$50.00/100 lin.ft
Subdivision Re-Approval/Modification (NOT RESUBDIVISION)	\$100.00
Regulation Amendment Processing Fee	\$300.00
Zoning Map Amendment Processing Fee (Zone Change)	\$300.00
Site Plan Review -- Entire Site Area	
0 to 25,000 sq ft.	\$250.00
25,001 sq ft. to 50,000 sq ft.	\$350.00
50,001 sq ft. and greater	\$550.00
Site Plan Modification -- Total Modification Area	
0 to 5,000 sq ft.	\$100.00
5,001 sq ft. to 25,000 sq ft.	\$200.00
25,001 sq ft. and greater	\$400.00
Special Permit	\$200.00
Location approval for motor vehicle dealer's and repairer's license	\$100.00
Zoning Permit -- Less than \$20,000 construction	\$20.00
Zoning Permit -- Greater than \$20,000 construction	\$150.00
Use Variance	\$250.00
Bulk Variance (Setback, coverage, height, area, or similar), Appeal of Decision of ZEO	\$150.00

WETLANDS AND WATERCOURSES FEES	
Permitted and Non-regulated Uses	
<i>Permitted uses as of right</i>	
0 to 5 acres of direct impact	\$75.00
5 to 10 acres of direct impact	\$150.00
10 acres and above of direct impact	\$250.00
<i>Nonregulated uses</i>	\$50.00
Regulated Uses	
<i>Administrative Permits</i>	\$50.00
<i>Agency Permits</i>	
<i>Nonsignificant Activity</i>	\$250.00
<i>Significant Activity Base Fee; plus fees below (Fees for significant activities located within a mapped watershed of a public water supply company are double the requirements.):</i>	\$250.00
- \$5.00 / lineal foot of watercourse directly affected, plus;	
- \$75.00 each new or modified watercourse crossing, plus;	
- \$25.00 / acre upland review area not protected by easement, plus;	
an additional fee for inland wetland soils directly affected as follows:	
• 1 to 500 sq ft	\$75.00
• 501 to 2,500 sq ft	\$150.00
• 2,501 to 10,000 sq ft	\$500.00
• 10,000 sq ft and above	\$750.00
Map and Regulation Amendments	\$150.00
The Wetlands Agency may recover the costs of any expert retained by the Agency to offer an opinion, substantiate, or refute any subject related to an application for permit from the Applicant in accordance with CGS Section 22a-42a(e).	
THE ELLINGTON PLANNING DEPARTMENT SHALL COLLECT ALL OTHER FEES OR SURCHARGES AS REQUIRED BY THE CONNECTICUT GENERAL STATUTES.	

Section 2. PRE-APPROVAL DEPOSITS AND FEES

It is anticipated that the fees in Section 1 will reimburse the Town for actual expenses incurred in the processing of each of the applications to a decision. In addition, as to all applications for Subdivision, Resubdivision, Special Permit, Site Plan Approval or Modification, and Wetlands Applications requesting water course crossing or relocation of wetlands, then the land use department receiving the application will require a deposit equal to the anticipated cost of materials and services to be performed by professionals other than town employees including but not limited to the review of the applications for conformance with the Regulations of the Inland/Wetlands and Watercourse Agency and the Planning and Zoning Commission including the computation of the cost to construct improvements subject to bonding requirements. Such sums shall be deposited with the Town and all bills received from professionals other than Town employees in connection with that Application shall be charged against that deposit. If the deposit is exhausted, then an additional deposit will be required before any further action is taken on the Application. Upon approval of the Application and issuance of the requested Permit, any excess deposit shall be refunded to the Applicant not later than sixty (60) days thereafter.

Section 3: POST-APPROVAL DEPOSIT AND FEES

Prior to issuance of the Permit following approval by the appropriate Land Use Commission or Agency, the professional who has been engaged to review the Application shall provide to the Land Use Agency an estimate of the cost for said professionals other than Town employees, to inspect construction at reasonable intervals to insure that construction complies with the approved Plan, conformance with the Phase II Regulations of the Connecticut Clean Water Act, inspections for reductions of Performance Bonds, review of Plan Revisions and documents necessary to implement or complete the Plans, and review and inspection of all improvements necessary for Town acceptance of the Project Infrastructure or for issuance of a Certificate of Zoning Compliance. A fee equal to that estimated cost shall be paid to the Town through the agent issuing the Permit prior to the recording of any Plan in the land records and prior to the issuance of any Permit for construction in accordance with the approval. All charges thereafter by said professionals in connection with a Permit shall be charged against the deposit. If the deposit is exhausted, then an additional amount shall be collected based upon the professional's additional estimate of costs before any further work or inspections are conducted. Failure to make an additional deposit shall be grounds for the appropriate Enforcement Officer to issue a Stop Work or Cease and Desist Order. Upon completion of the Project and acceptance by the Town of any Project infrastructure or issuance of a Certificate of Zoning Compliance, any excess funds shall be returned to the applicant not later than sixty (60) days following said event.

Section 4: EXPERTS

Nothing herein shall prohibit any agency of the Town from requiring the applicant or permittee, at his expense, to provide professional consultant reports or certification as to conditions before or after construction [or test results] nor shall this ordinance in any way impact bonding requirements set forth in any of the land use regulations.

Section 5: EXEMPTIONS

The Town of Ellington and all of its boards, commissions, agencies and departments are exempt from the payment of any and all of the fees or deposits required by this ordinance. Charities, churches and non-profit organizations are not exempt.

This Ordinance shall be effective on May 24, 2006.

APPROVAL RECORD FOR ORDINANCES

Board of Selectmen Recommend Adoption:	<u>March 13, 2006</u>
Public Hearing Notice Published On:	<u>April 3, 2006</u>
Public Hearing Held On:	<u>April 10, 2006</u>
Town Meeting Notice Published On:	<u>April 25, 2006</u>
Approved by Town Meeting On:	<u>May 1, 2006</u>
Approval Notice Published On:	<u>May 3, 2006</u>

**AN ORDINANCE CONCERNING CERTAIN FEES
UNDER THE STATE BUILDING CODE**

BE IT ORDAINED BY THE TOWN OF ELLINGTON:

The Ordinance entitled "An Ordinance Concerning Certain Fees Under The State Building Code" adopted at Special Town Meeting on July 27, 1972 and amended on March 20, 1973, February 24, 1981, September 18, 1985, January 3, 1993, November 14, 2000 and June 21, 2004 is hereby repealed and the following substituted in lieu thereof.

Section 1.

Fees for all types of building permits issued pursuant to the state building code and demolition permits shall be at a rate established by the Board of Selectmen of estimated costs or the minimum fee.

- "Estimated cost" shall be determined using cost factors, as established by the Ellington Building Official, for each type and category of Building Permit.
- "Minimum fees" for building permits shall be established by the Ellington Board of Selectmen.

Section 2.

The Board of Selectmen may update rate and minimum fees as necessary.

Section 3.

The Building Official may update estimated cost factors as necessary and shall advise the Board of Selectmen of such changes.

Section 4. Exceptions:

Permit fees shall be waived for Churches and other non-profit organizations.

This Ordinance shall become effective on May 24, 2006.

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